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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,287	11/10/2000	Michael Dean Whitmarsh	10003977-1	5015

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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,287	WHITMARSH ET AL.	
	Examiner	Art Unit	
	Thierry L. Pham	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/18/05; 6/25/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 4/4/05.
- Amendment After Final filed on 3/1/05 had been entered.
- IDS filed on 1/18/05 had been received and considered by the examiner.
- Claims 1-39 are pending in application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik et al (U.S. 6330542), and in view of Nakatsuyama (U.S. 5875441).

Regarding claim 1, Sevcik discloses a method of processing a print job (the automated quoting and procurement system, fig. 1) of a customer before (the procurement system processing the print request from the print buyer/customer and sending it to the print provider, fig. 1, col. 3, lines 1-67) submitting the print job to at least one of a plurality of print provider (print providers, fig. 1), the method comprising the steps of:

- (•) providing a print processing system controller (the automated quoting and procurement system, fig. 1, for providing printing capabilities (i.e. quantity, prices, delivery zip code, and etc based upon customer's preferences of the print job request) of the printer providers to the customer, col. 3, lines 1-67 and col. 9, lines 15-67) having a printing capability of the print providers (registered print providers, fig. 1, col. 3, lines 1-67 and col. 5, lines 1-10) registered therewith;
- (•) defining a network communication link (Internet communication network, fig. 1, col. 1, lines 5-20) between the customer and the print processing system controller;

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(●) receiving a data file (receiving a print job request such as booklets, newsletter, and etc. along with preferences/options from the customer, figs. 2-8, col. 3, lines 1-67 and cols. 6-7) for the print job at the print processing system controller via the network communication link;

(●) determining at least one document type (determining what document type has been order, i.e. postcards, envelopes, and etc. , figs. 2-8, cols. 6-7) for the print job via the print processing system controller, including processing the data file (i.e. finishing options, figs. 2-8) for the print job to determine the at least one document type for the print job (providing the best print providers that capable of servicing customer's request for print jobs based upon selected quality, colors, and/or price range, figs. 2-8, col. 3, lines 1-67).

However, Sevcik fails to explicitly teach a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job, which analyzed by the print system controller.

Nakatsuyama, in the same filed of endeavor, teaches a method for determining a type of document based on the characteristics of the print job as included in the data file for the print job, which analyzed by the print system controller (document type retriever system of fig. 1 for determining and retrieving the types of document based on the query requests inputted by the users, fig. 4, col. 5, lines 10-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sevcik as per teachings of Nakatsuyama by allowing the users/operators to search for the type of documents based upon the user's input requests and displaying the results to the users (that is, inputting the finishing options such as paper type, color, size, and etc. before displaying the type of products such as business card, postcards, presentation, and etc. that are available to customers) because of a following reason: (●) allowing the customers to search for the type of product of interests before selecting and submitting the print job type to the print provider and to enhance the system of Sevcik to work vice-versa formation (i.e. choosing the products and then selecting finishing options for that selected products or displaying plurality of product types based upon finishing options selected/inputted by the operators/users).

Therefore, it would have been obvious to combine Sevcik with Nakatsuyama to obtain the invention as specified in claim 1.

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Please NOTE: Sevcik also teaches a method for automatically determining the type of paper stock based upon the user's input request (col. 11, lines 34-42).

Regarding claim 2, Sevcik further discloses the method of claim 1, wherein the step of defining a network communication link includes defining an Internet communication link (Internet communication network, col. 1, lines 5-20) between the customer and the print processing system controller.

Regarding claim 3, Sevcik further discloses the method of claim 1, wherein the step of determining the at least one document type (i.e. postcards, letterhead, figs. 2-8) for the print job includes processing the data file for the print job and determining from the data file at least one of a file format, a number of pages, a print medium, a printing layout, a color content, and an image presence of the print job (finishing options, figs. 2-8).

Regarding claim 4, Sevcik further discloses the method of claim 1, wherein the step of determining the at least one document type includes determining a set of document types (figs. 2-8) for the print job, and further comprising the steps of: presenting the set of document types (figs. 2-8) to the customer via the network communication link; and receiving a print request for the print job at the print processing system controller via the network communication link, including specifying a document type (cols. 5-7) for the print job from the set of document types for the print job.

Regarding claim 5, Sevcik further discloses the method of claim 4, wherein the step of receiving the print request further includes specifying at least one of a number of copies, a cost characteristics, a quality characteristics, and a due data characteristics for the print job (figs. 2-8).

Regarding claim 6, Sevcik further discloses the method of claim 4, wherein the step of receiving the print request further includes specifying at least one of a print medium, a printing layout, a color printing option, a finishing option, a delivery option, and a due date for the print job (figs. 2-8).

Regarding claim 7, Sevcik further discloses the method of claim 6, wherein the step of receiving the print request further includes specifying a plurality of selections for the at least one of the print medium, the printing layout, the color printing option, the finishing option, the delivery option, and the due date for the print job (figs. 2-8).

Regarding claim 8, Sevcik further discloses the method of claim 4, further comprising the steps of: (1) determining with the print processing system controller which of the print providers have the printing capability to fulfill the print job, including comparing the print request and the data file for the print job with the printing capability of the print providers (cols. 3, 9-10); compiling with the print processing system controller a list of at least one quote (figs. 9-18) of at least one of the print providers which has the printing capability to fulfill the print job; and (3) presenting the list (col. 3, lines 1-67 and cols. 6-10) of the at least one quote to the customer via the network communication link.

Regarding claim 9, Sevcik further discloses the method of claim 8, wherein the list of the at least one quote includes at least two quotes of the at least one of the print providers (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60).

Regarding claim 10, Sevcik further discloses the method of claim 8, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further comprising the steps of: (1) selecting a quote from the list of the at least one quote and at least one print provider of the at least one of the print providers to fulfill the print job (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60); (2) and submitting the print job to the at least one print provider via the network communication link (col. 3, lines 1-67 and cols. 6-10 and col. 13, lines 28-60).

Regarding claim 11, Sevcik further discloses the method of claim 1, wherein the print processing system controller has a plurality of document models include therein, and further

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comprising the step of: (1) creating the print job from a document model of the plurality of document models (custom product graphic, col. 3, lines 20-67).

Regarding claim 12, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes: (1) receiving a print job type at the print processing system controller, compiling with the print processing system controller a set of a document models from the plurality of document models based on the print job type, the set of document models including the document model of the plurality of the document models; and presenting a set of document models to the customer via the network communication link (cols. 10-13).

Regarding claim 13, Sevcik further discloses the method of claim 12, wherein the step of creating the print job further includes selecting the document model from the set of document models (col. 3, lines 20-67).

Regarding claim 14, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes selecting at least one a print medium, a printing layout, a color printing option, and a finishing option for the print job from the document model (figs. 2-8).

Regarding claim 15, Sevcik further discloses the method of claim 14, wherein the step of creating the print job further includes presenting a cost for each of the at least one of the print medium, the printing layout, the color printing option, and the finishing option for the print job to the customer via the network communication link (figs. 2-8, col. 3, lines 1-67).

Regarding claim 16, Sevcik further discloses the method of claim 11, wherein the step of creating the print job includes selecting a document template for the print job from the document model (figs. 2-8).

Regarding claim 17, Sevcik further discloses the method of claim 1, wherein the step of defining the network communication link includes defining the network communication link between the customer, the print providers, and the print processing system controller, and further

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comprising the step of: registering the print capability (col. 3, lines 1-67 and cols. 14-16) each of the print providers with the print processing system controller via the network communication link.

Regarding claim 18, Sevcik further discloses the method of claim 17, wherein the step of registering the printing capability includes registering at least one of a file format compatibility, a print medium capability, a printing layout capability, a color printing capability, a finishing capability, and a delivery capability of each of the print providers (figs. 2-8 and 18, cols. 3-6 and cols. 14-16).

Regarding claims 19-39 recite limitations that are similar and in the same scope of invention as to those in claims 1-18 above; therefore, claims 19-39 are rejected for the same rejection rationale/basis as described in claims 1-18.

Response to Arguments

Applicant's arguments filed 3/1/05 have been fully considered but they are not persuasive.

- Regarding independent claims 1 & 19, the applicants argued the cited prior arts of record (US 6330542 to Sevcik et al and US 5875441 to Nakatsuyama) fail to teach and/or suggest determining a document type for the print job based on characteristics of the print job itself as included in a data file for the print job.

In response, the examiner first notes limitations as cited in claim 1 & 19 to include “as included in the data file for the print job” are not previous cited in claims 1 & 19. According to an original filed specification, “data file” includes print attributes and/or parameters selected by operators/users for determining the type of products, and an example of “data file” includes print medium type, quantity, size, and etc. Nakatsuyama clearly teaches a method for retrieving and displaying the types of documents based upon characteristics and/or queries inputted by the users/operators. According to applicant’s disclosed invention, the operators/users first enter data file such as size, quantity, finishing options, and etc., the print processing system controller then displays plurality of document type based upon the characteristics of the data file entered by the operators/users. However, independent claims 1 & 19 do not include limitations that reflect the

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disclosed invention. For example, the examiner is unclear whether the print job as cited in claims 1 & 19 is already have been created and/or in the process of creating one. Herein, the examiner interprets "print job" as already have been created but not yet submitted to the print provider.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 2727439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



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PRIMARY EXAMINER